

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BERGMANN Confirmation No.: 7129
Serial No.: 10/516,619 Group Art Unit: 1644
Filed: December 3, 2004 Examiner: Wen, Sharon X.
Title: METHOD AND AGENT FOR THE PREVENTION, INHIBITION AND
TREATMENT OF SEPSIS

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted by electronic filing only to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 10, 2007.



*Kathy Smith Dias, Esq.
Attorney for Applicants
Registration No. 41,707*

Date of Signature: September 10, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement Under 37 C.F.R. § 1.142

Dear Sir:

This is in response to the Office Action mailed on August 10, 2007, in connection with the above-identified U.S. patent application, which set a period of 1 month for response. Response is due, therefore by September 10, 2007; this response is timely filed.

Claims 9-13 are currently pending in the application with claim 13 withdrawn from consideration as the result of an earlier restriction dated April 2, 2007. According to the Office Action, the application contains claims directed to more than one species of the generic invention. Accordingly, Applicant is required to elect a representative species of method for prevention, inhibition and treatment of sepsis in an animal or patient at risk for sepsis comprising one of the following method steps:

- i) extracorporeal removal of anti-AG_{M1} antibodies and/or anti-G_{M1} antibodies from blood by plasmapheresis (reading on claims 9bi and 10-12);
- ii) administration of an agent which binds or blocks anti-AG_{M1} antibodies and/or anti-G_{M1} antibodies (reading on claims 9bii and 10); or
- iii) administration of antibiotics (reading on claim 9biii).

Applicant elects ii) administration of an agent which binds or blocks anti-AG_{M1} antibodies and/or anti-G_{M1} antibodies. Claims 9 and 10 read on the elected species.

Additionally, Applicant is required to elect a representative species of agent which binds or blocks anti-AG_{M1} antibodies and/or anti-G_{M1} antibodies, for example:

- i) gangliosides AG_{M1};
- ii) gangliosides G_{M1}; or
- iii) substances which simulate the carbohydrate moiety of said gangliosides.

Applicant hereby elects i) gangliosides AG_{M1} as a representative species of agent that binds or blocks anti-AG_{M1} antibodies and/or anti-G_{M1} antibodies.

The Examiner is invited to contact Applicants' Attorney at the telephone number given below if any further questions arise in connection with this Application.

Respectfully submitted,



Kathy Smith Dias
Attorney for Applicants
Reg. No. 41,707

Dated: September 10, 2007

Address for Correspondence:

Kathy Smith Dias
Heslin & Rothenberg, P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600

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